

KEYNOTE SPEECH — OPENING SESSION:
2005 STATEWIDE JUDICIAL BRANCH CONFERENCE
CHIEF JUSTICE RONALD M. GEORGE
SAN DIEGO MARRIOTT HOTEL & MARINA
WEDNESDAY, SEPTEMBER 7, 2005 — 8:30 A.M.

Good morning. On behalf of the Judicial Council, I am very pleased to welcome you to this first-ever Statewide Judicial Branch Conference to which every judge in California has been invited. Pardon me as I clear my throat to begin the first of sixteen speaking engagements between now and Sunday noon here in San Diego. The location and the timing of this conference to coincide with the annual meetings of the State Bar and the California Judges Association signify the coming together of

the various segments of the judicial branch and the legal profession with a shared commitment to improving the administration of justice.

I would like to extend a special welcome to the members of the Judicial Council, the constitutionally created body responsible for the statewide administration of justice in California. I am honored to serve with them and to support their efforts to improve our courts. I am pleased that our Judicial Council Advisory Committee members, presiding justices, presiding judges, other court leaders and judicial officers, court executives, and bar leaders are here today to participate in this inaugural event.

I would also like to recognize the outgoing President of the State Bar, John Van de Kamp; the incoming President, James Heiting; the President of the Foundation of the State Bar, Pauline Weaver; the

Executive Director of the State Bar, Judy Johnson; and the chairs and co-chairs of various State Bar commissions.

Welcome also to the departing President of the California Judges Association, James Mize from the Sacramento Superior court, and to its incoming President, Terry Friedman, former legislator and now a member of the Los Angeles Superior Court bench.

Congratulations and thanks are in order for the Joint Oversight Committee for this conference, chaired by Judge William Murray on behalf of the Judicial Council, for leading the coordination efforts for the Judicial Council Conference with CJA and the State Bar, and to Judge Elizabeth White who led the education planning for the conference. Judge

Murray and Judge White carried out these enormous responsibilities with grace and skill.

I also want to extend my special thanks to staff from the Administrative Office of the Courts, including Karen Thorson and her talented team in the Education Division, who have put together an excellent array of classes that begin today and will continue throughout the week.

Finally, I also want to thank the members of our Fred Friendly team, who will be led by Professor Charles Ogletree in the seminar that follows.

As Bill mentioned, our theme this week is “*Strengthening the Judicial Branch.*” Over the past decade, California’s judicial branch has taken unprecedented steps toward achieving this goal. State funding of the trial courts, enacted in 1997 and

replacing the former system of shared responsibility between the state and the counties, has led to more secure resources, and has enabled us to work toward providing a consistent level of service statewide — tailored to fit local needs.

Enacted by the people one year later, court unification has allowed courts to make better use of all available judicial and staff resources. As a result, courts have found that they can provide more services and dedicate more courtrooms to domestic violence courts, drug courts, and other targeted calendars and, generally, that they have greater flexibility in using resources to meet the needs of their communities.

The next enormous undertaking for our system, authorized by the Trial Court Facilities Act of 2002, is to ensure that courts are housed in facilities that

are safe, secure, and up to the demands placed upon them. With enhanced accessibility, as well as adequate, well-designed space for all court activities and the capability to use technology effectively, courthouses will be better able meet the needs of those they serve as they are brought under state ownership and judicial branch management.

We also have focused on increasing the number of judges in order to meet the challenges of an ever-growing and diverse population. And to attract and retain the most qualified bench officers, we continue to work to improve judicial compensation. As many of you already know, the Judicial Council and I personally have been engaged during the past several years in educating and persuading our sister branches about the need for enhanced compensation, and for amendments to the second tier of the Judicial

Retirement System to ensure that we have the best available individuals doing the difficult and important work that judges perform. We have had several important successes in this area, but much remains to be done.

As judges, many of us consciously made sacrifices in order to engage in public service. We did so expecting and accepting that our salaries would not match the salaries of many lawyers in private practice. There is reason for concern, however, when the salary of some of the public attorneys — deputy district attorneys, public defenders, and city and county counsel — appearing before the courts surpasses that received by the judge presiding over the courtroom.

The problem becomes even more acute if we cannot provide an attractive retirement option for the bench — and we have been working on making improvements to JRS II to provide better support for the more recent appointees to the bench. The public expects and deserves the best and the brightest as judges. Adequate compensation and a reasonable retirement plan will make it possible to continue to meet those justified expectations.

It is important to the public and to our judges to have judicial compensation set at a level that is fair and appropriate for that office. That is why the Judicial Council has been pushing hard on these issues since 1999 and the issues of judicial compensation and retirement are prominent priorities in the Judicial Council's Operational Plan.

We are committed to bring about these changes and to working until we get a solution.

We are about to emerge from a legislative session in which the judicial branch has made tremendous progress in improving the budget process for the trial courts in order to stabilize court operations. Major legislative issues progressing through the legislative process but still pending include additional judgeships, changes to the judicial retirement system, and resolution of seismic issues that have been slowing the transfer process for our court facilities. We have a lot to be thankful for, but we also have a lot of hard work ahead.

Our continuing focus on improving every aspect of the internal structures and processes of the judicial branch has been motivated by a desire to ensure equal access to the fair and consistent

administration of justice for the benefit of the public we serve.

All of us are familiar with the oft-quoted comment from the Federalist Papers that the judiciary is the weakest of our three branches of government. We have neither armies at our disposal, nor the power of the purse — and because of these circumstances, the Founding Fathers were careful to build fundamental protections into the tripartite governmental system we enjoy in order to preserve the independence and security of the judicial branch. It is our obligation to ensure that the Founders' vision remains a reality.

The actions we have taken to secure more stable funding, to take responsibility for self-administration, and to use wisely and transparently the resources entrusted to us, have each contributed

to increasing the independence and accountability of our courts. With a solid infrastructure and a stable funding mechanism, the court system is better positioned to withstand inappropriate pressures and to withstand the ups and downs of our economy. Intertwined with the concept of ensuring structural independence and fiscal stability is the equally vital task of garnering — and deserving — the trust and confidence of the public we serve.

The task of ensuring a strong judicial branch does not fall on judges alone. Lawyers representing clients also have a vested interest in ensuring an independent and unbiased court system, in which predictability and the rule of law provide counsel with the tools to advise and assist litigants.

Members of the public not only are the ultimate consumers of our efforts, but are also crucial partners in building a strong branch that offers meaningful access to a fair and objective adjudicatory system. Members of the public are our natural constituents and partners in supporting the effective administration of justice. But we cannot take that support for granted. All too few members of the public seem aware of what the courts do and of their indispensable role in the balance of power that underlies our democratic system of government. All too many members of the public have unrealistic expectations of our judicial and legal system based upon a popular culture that often paints a distorted picture of the role, function, and processes of the courts.

The Judicial Council initiated this branchwide conference as part of its continuing efforts to build a strong branch responsive to the needs of the public, and to build partnerships with all of its constituencies. By working together and building confidence and trust from within, we will be more effective in ensuring the trust and confidence of the public.

These are challenging times for the judicial process. Public discussions about the role of the judiciary and individual judges are the daily fodder of news reports, of commentators, and of members of our sister branches of government. The focus seems all too often to be on results — rather than on how the judicial process ideally is intended to function. It is incumbent upon those of us within the

court system to educate, to inform, and to encourage better public understanding of the value of an independent judiciary and its essential role in our democratic system of government.

Our branch has been unique in its willingness to critically evaluate its performance and to seek improvements that will enable us to better serve the community. In 1993, the Judicial Branch's *20/20 Report* was issued, replete with recommendations for improving how the courts should operate. The work of the commission that produced this report was based in part on a survey of public attitudes toward the courts. Most of the recommended innovations from that study of 12 years ago have been adopted and implemented.

That earlier effort has been followed by many other studies, involving subjects such as the relationship of gender and race to justice, jury reform, complex litigation, and alternative dispute resolution.

Today we are releasing the most recent study of the attitudes of Californians toward their courts — of the public's response to our efforts. This latest study repeated some of the questions previously asked, so as to be able to evaluate whether there have been significant changes, and explored new questions as well.

Since 1993, there have been many major demographic shifts in our state. Racial and ethnic diversity has increased, and we have seen a population explosion in the Central Valley and the

Inland Empire. Our courts have grown — although certainly not at the pace of our population — and the trial courts have undergone fundamental structural changes. These landmark developments have had a profound effect on the administration of justice at the local level, and they continue to underline the need for innovation and responsiveness.

The results of the updated survey we are releasing today will help give us a sense of what we are doing well and of what remains to be done.

This morning's session focuses on public trust and confidence in our justice system. That is the coin of the realm for our system. Yet you may ask why we need to be concerned about this and to undertake studies on this subject.

The Judicial Council supported undertaking this survey not because we want to take our direction from the public, but because the council recognizes how important it is to know what the public thinks about our court system in order to make informed decisions on statewide policy for the judicial branch.

Our branch once again — or perhaps more accurately, still — is embarked on a major round of self-evaluation and study geared toward improving its operations and planning for the future.

By looking outside the court community itself, we can obtain a clearer sense of what the public perceives. After all, the most direct way to find out what the public thinks is for us to ask.

Lawrence Friedman, a professor at Stanford Law School, once observed that “The public seems, in

fact, to have a love-hate relationship with the law. It sees law as a bag of tricks, a bottomless pit of artifice and legalism; but it also sees the law as a shining sword of justice, a powerful weapon of public purpose” — able to do great individual harm or to protect individuals from threats to the most fundamental aspects of their way of life. By engaging with the public, we can obtain a better sense of which characteristics of the judicial branch encourage or discourage Californians from viewing the law as that shining sword, working for their benefit.

What use do we make of the information provided by this survey? It is a snapshot of the attitudes of the public we serve. It can be a helpful tool in directing the efforts of our branch in its

fundamental quest to improve access and fairness. It provides an idea of what is working and what is not.

In reviewing the results, I see two primary areas of good news. First, public opinion has changed significantly from the poll conducted in the early 90's when individuals were asked the same question as in 2004. As the video you will see in a few minutes will reflect, in 1992 less than 50 percent of the public held an overall positive opinion of the courts. Today, that approval rating has risen to a very encouraging 67 percent.

The second piece of good news should, I believe, energize us, and that is that everyone in this room can make a tremendous impact in influencing public opinion as we interact with the persons who use our courts. Consider that each year, we have

approximately nine million case filings in our courts. This represents a considerable portion of our population that comes into contact with our justice system. Add to that the 9 to 10 million persons who receive juror summonses each year and, of those, the 2 million who report for jury duty either in person or by phone, plus the witnesses and family members the courts deal with on a daily basis. How each of us interacts with these individuals, the respect they are shown inside the courthouse, how the system works for them — in all of these areas, we have an enormous opportunity to enhance public trust and confidence in our courts.

As we look this morning at the results of the recent survey, we have reason to be optimistic. At the same time, we need to assume responsibility for

ensuring that these individuals — especially the parties who appear without counsel, as is so often the case in family law matters — understand the justice system, that they know how to access our courts, and that when they do come to court they believe they are listened to and treated with respect. Interestingly, one-third of the individuals surveyed who sought information on the courts did so on the Internet, and 99 percent of those persons found our web site useful or very useful. As someone who has described himself as “road kill on the information highway,” I must admit that the general public is way ahead of me.

The survey results also point to challenges and issues that we need to address. Although there is much that we can justifiably be proud of, there still remain significant concerns among many members

of the public regarding the justice system that we need to continue to address. Procedural fairness is the most important issue in influencing public trust and confidence in California's courts. Basically, this involves how individuals are treated by those in the court system who are in a position of authority — from the clerk at the front desk to the courtroom bailiff and the judge. Every case, no matter how common, needs to be considered in a way that each person feels his or her views were considered and that the case was resolved based on the facts and the law related to the specific dispute at hand.

The other good news is that the public is not judging us on a win-lose basis. They are judging us, as they should, on how they are treated in the system. The public cares about the process; the

public judges fairness more on process than on outcomes. Thus it is our responsibility to strengthen the positive aspects of our performance and to confront our weaknesses.

In considering how we can accomplish this to the best of our ability, we need to recognize that California's diverse population has different needs. For example, new immigrants are intimidated by language barriers and cultural differences. Some minority groups are cynical about the courts and the justice system in general. We need to do our part to build their trust and confidence in the system.

Consider also that California is the only state where a judge's leadership responsibilities for community outreach and public education are outlined by statute. These duties include not only

educating the public about the role of the courts, but also being aware of and understanding the public's perceptions concerning court- and justice-related issues.

For these reasons we are making the effort to examine issues of public trust and confidence. For these reasons, the Judicial Council and its Advisory Committees are developing specific proposals in response to issues raised by the survey. Because of this, the Judicial Council has directed the Administrative Director of the Courts to convene a group of judges and court executives to explore and recommend process changes to address the public's concerns about procedural fairness.

These are not issues that can be quickly or easily addressed. Fortunately, our courts repeatedly have

shown that they are up to the challenges that confront us — and I have no doubt that together we shall continue to view these challenges as opportunities to improve our service to the public.

Everywhere you look in the court system innovations are taking place. One can find multilingual information and assistance centers, automated file management systems, and innovative calendaring aimed at making access easier for underserved communities. New programs to help self-represented litigants, the expansion of service on the internet, and more creative outreach and education programs are springing up in every venue. More and more services are being provided in various languages to the individuals who come to

California's courts, which provide interpreter services for more than 100 languages each year.

The Judicial Council and its Advisory Committees, comprised of hundreds of judicial officers, lawyers, and others involved in the system, are working hard to meet the challenges we face, ably assisted by our justice system partners in our shared goal of improving access and fairness in the courts.

Public trust and confidence truly do matter, and we must respond appropriately and effectively to community concerns in order to increase that trust and confidence. At the same time, courts must remain both independent and accountable. If we are to succeed in this endeavor, we must collaborate

closely with all our partners in the justice system — including the public.

Thank you again for joining us for this historic event. The study you will be learning more about this morning should provide much food for thought — and hopefully also will serve as a catalyst for more creative change. It is an honor and a privilege to be part of a judicial system that has proven, time and again, its commitment to confronting and correcting its failings, celebrating and building on its successes, and creatively progressing to better serve the people of California. I appreciate the opportunity to speak with you today about this important effort.

The planners of this conference have done a terrific job. An exciting, challenging, and

informative few days lie ahead. Your participation will be important for others — and for yourselves. I look forward to continuing to work with you in the future to preserve and enhance a strong and independent judicial branch that will fully and effectively serve the people of our state.

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